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execsum/5-17-04/EXEC SUMM.DOC

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 5 through May 15, 2006</p> <p>Date of NOV Relating to this Case: June 14, 2006</p> <p>Background Facts: The ED filed the EDRP on March 12, 2007. The respondent filed its answer and request for hearing on April 2, 2007. The ED requested the Chief Clerk to refer the case to SOAH on June 1, 2007. The preliminary hearing in the case convened on July 12, 2007. The parties subsequently met and agreed to settle the case. The settlement was finalized and the ED received the signed Agreed Order and check for the penalty amount on January 2, 2008. Subsequent changes were made to the Agree Order and it was resigned on June 3, 2008</p> <p>AIR</p> <p>Failed to prevent an avoidable emissions event in the CLEU3 on February 19, 2006 that lasted five minutes, releasing 9,090 lbs of the highly reactive volatile organic compound (HRVOC) ethylene [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 18287, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,000</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action:</p> <p>The Executive Director recognizes that the Respondent has updated existing FCCU2 start-up procedures in March 2006 to require that the discharge pressure be higher than the manifold pressure prior to opening the valve, designed to prevent the reoccurrence of emissions in the CLEU3 due to similar causes as that of the February 19, 2006 emissions event in response to this emission event.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	20-Jun-2006	Screening	28-Jun-2006	EPA Due	
	PCW	07-Apr-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102579307		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	29997	No. of Violations	1
Docket No.	2006-0875-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 250% Enhancement Subtotals 2, 3, & 7 \$12,500

Notes: Enhancement due to 15 NOVs with same or similar violations, five self reported effluent violations, 10 NOVs with unrelated violations, five findings orders and one 1660 agreed order.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes: The respondent does not meet culpability criteria.

Good Faith Effort to Comply 25% Reduction

Subtotal 5 -\$1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent returned to compliance in March 2006.

Economic Benefit

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts	\$1
Approx. Cost of Compliance	\$100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$16,250

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$16,250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$10,000

DEFERRAL

0% Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered because this is not an expedited settlement.

PAYABLE PENALTY

\$10,000

Screening Date 28-Jun-2006

Docket No. 2006-0875-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 29997

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102579307

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	15	75%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 250%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to 15 NOVs with same or similar violations, five self reported effluent violations, 10 NOVs with unrelated violations, five findings orders and one 1660 agreed order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 250%

Screening Date 28-Jun-2006

Docket No. 2006-0875-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 29997

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102579307

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Violation Number 1

Primary Rule Cite(s)

Flexible Permit No. 18287, Special Condition No. 1

Secondary Rule Cite(s)

30 Tex. Admin. Code § 116.715(a) and Tex. Health and Safety Code § 382.085(b)

Violation Description

Failed to prevent an avoidable emissions event in the Catalytic Light Ends Unit 3 on February 19, 2006 that lasted 5 minutes and released 9,090 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene. Since these emissions were avoidable, Exxon failed to meet the demonstrations necessary for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		50%
Potential				

>> Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	

Matrix Notes Human health or the environment in the Houston-Galveston-Brazoria ozone nonattainment area has been exposed to significant amounts of pollutants, including HRVOCs.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$16,250

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
 Case ID No. 29997
 Reg. Ent. Reference No. RN102579307
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	19-Feb-2006	31-Mar-2006	0.1	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to update procedures to prevent the reoccurrence of emissions due to similar causes. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$100****TOTAL** **\$1**

Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.8
Regulated Entity:	RN102579307	EXXON MOBIL BAYTOWN FACILITY	Classification: AVERAGE	Site Rating: 2.17
ID Number(s):				
	AIR NEW SOURCE PERMITS	PERMIT	11007	
	AIR NEW SOURCE PERMITS	PERMIT	1384	
	AIR NEW SOURCE PERMITS	PERMIT	1632	
	AIR NEW SOURCE PERMITS	PERMIT	2007	
	AIR NEW SOURCE PERMITS	PERMIT	2073	
	AIR NEW SOURCE PERMITS	PERMIT	2185	
	AIR NEW SOURCE PERMITS	PERMIT	2209	
	AIR NEW SOURCE PERMITS	PERMIT	2258	
	AIR NEW SOURCE PERMITS	PERMIT	2389	
	AIR NEW SOURCE PERMITS	PERMIT	2521	
	AIR NEW SOURCE PERMITS	PERMIT	2665	
	AIR NEW SOURCE PERMITS	PERMIT	2794	
	AIR NEW SOURCE PERMITS	PERMIT	2977	
	AIR NEW SOURCE PERMITS	PERMIT	2978	
	AIR NEW SOURCE PERMITS	PERMIT	2979	
	AIR NEW SOURCE PERMITS	PERMIT	4973	
	AIR NEW SOURCE PERMITS	PERMIT	6001	
	AIR NEW SOURCE PERMITS	PERMIT	9163	
	AIR NEW SOURCE PERMITS	PERMIT	9556	
	AIR NEW SOURCE PERMITS	PERMIT	10461	
	AIR NEW SOURCE PERMITS	PERMIT	10550	
	AIR NEW SOURCE PERMITS	PERMIT	11053	
	AIR NEW SOURCE PERMITS	PERMIT	11206	
	AIR NEW SOURCE PERMITS	PERMIT	11250	
	AIR NEW SOURCE PERMITS	PERMIT	11380	
	AIR NEW SOURCE PERMITS	PERMIT	11464	
	AIR NEW SOURCE PERMITS	PERMIT	11475	
	AIR NEW SOURCE PERMITS	PERMIT	11483	
	AIR NEW SOURCE PERMITS	PERMIT	11555	
	AIR NEW SOURCE PERMITS	PERMIT	11624	
	AIR NEW SOURCE PERMITS	PERMIT	11703	
	AIR NEW SOURCE PERMITS	PERMIT	11939	
	AIR NEW SOURCE PERMITS	PERMIT	12226	
	AIR NEW SOURCE PERMITS	PERMIT	12380	
	AIR NEW SOURCE PERMITS	PERMIT	12628	
	AIR NEW SOURCE PERMITS	PERMIT	12968	
	AIR NEW SOURCE PERMITS	PERMIT	12977	
	AIR NEW SOURCE PERMITS	PERMIT	12994	
	AIR NEW SOURCE PERMITS	PERMIT	17160	
	AIR NEW SOURCE PERMITS	PERMIT	17369	
	AIR NEW SOURCE PERMITS	PERMIT	17370	
	AIR NEW SOURCE PERMITS	PERMIT	18287	
	AIR NEW SOURCE PERMITS	PERMIT	18318	
	AIR NEW SOURCE PERMITS	PERMIT	18448	
	AIR NEW SOURCE PERMITS	PERMIT	19301	
	AIR NEW SOURCE PERMITS	PERMIT	21222	
	AIR NEW SOURCE PERMITS	PERMIT	22874	
	AIR NEW SOURCE PERMITS	PERMIT	24669	
	AIR NEW SOURCE PERMITS	PERMIT	26486	
	AIR NEW SOURCE PERMITS	PERMIT	26294	
	AIR NEW SOURCE PERMITS	PERMIT	27403	
	AIR NEW SOURCE PERMITS	PERMIT	28697	
	AIR NEW SOURCE PERMITS	PERMIT	26443	
	AIR NEW SOURCE PERMITS	PERMIT	30186	
	AIR NEW SOURCE PERMITS	PERMIT	31067	
	AIR NEW SOURCE PERMITS	PERMIT	31008	
	AIR NEW SOURCE PERMITS	PERMIT	31690	
	AIR NEW SOURCE PERMITS	PERMIT	31852	
	AIR NEW SOURCE PERMITS	PERMIT	31915	
	AIR NEW SOURCE PERMITS	PERMIT	34139	
	AIR NEW SOURCE PERMITS	PERMIT	34295	
	AIR NEW SOURCE PERMITS	PERMIT	33875	
	AIR NEW SOURCE PERMITS	PERMIT	36536	
	AIR NEW SOURCE PERMITS	PERMIT	36664	
	AIR NEW SOURCE PERMITS	PERMIT	38532	
	AIR NEW SOURCE PERMITS	PERMIT	39164	
	AIR NEW SOURCE PERMITS	PERMIT	40394	
	AIR NEW SOURCE PERMITS	PERMIT	40421	
	AIR NEW SOURCE PERMITS	PERMIT	38572	
	AIR NEW SOURCE PERMITS	PERMIT	42509	
	AIR NEW SOURCE PERMITS	PERMIT	43489	
	AIR NEW SOURCE PERMITS	PERMIT	43582	
	AIR NEW SOURCE PERMITS	PERMIT	44162	
	AIR NEW SOURCE PERMITS	PERMIT	44533	
	AIR NEW SOURCE PERMITS	PERMIT	47145	
	AIR NEW SOURCE PERMITS	PERMIT	47912	
	AIR NEW SOURCE PERMITS	PERMIT	49342	
	AIR NEW SOURCE PERMITS	PERMIT	49893	
	AIR NEW SOURCE PERMITS	PERMIT	50203	

AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0232Q
AIR NEW SOURCE PERMITS	PERMIT	51246
AIR NEW SOURCE PERMITS	REGISTRATION	55381
AIR NEW SOURCE PERMITS	AFS NUM	0027
AIR NEW SOURCE PERMITS	REGISTRATION	56702
AIR NEW SOURCE PERMITS	PERMIT	PSDTX730M2
AIR NEW SOURCE PERMITS	REGISTRATION	75782
AIR NEW SOURCE PERMITS	REGISTRATION	76221
AIR NEW SOURCE PERMITS	REGISTRATION	76269
AIR NEW SOURCE PERMITS	REGISTRATION	75409
AIR NEW SOURCE PERMITS	REGISTRATION	75412
AIR NEW SOURCE PERMITS	REGISTRATION	75543
AIR NEW SOURCE PERMITS	REGISTRATION	75420
AIR NEW SOURCE PERMITS	EPA ID	PSDTX975
AIR NEW SOURCE PERMITS	REGISTRATION	71553
AIR NEW SOURCE PERMITS	REGISTRATION	71614
AIR NEW SOURCE PERMITS	PERMIT	P975
AIR NEW SOURCE PERMITS	PERMIT	55511
AIR NEW SOURCE PERMITS	PERMIT	50429
AIR NEW SOURCE PERMITS	PERMIT	53461
AIR NEW SOURCE PERMITS	PERMIT	54582
AIR NEW SOURCE PERMITS	PERMIT	54497
AIR NEW SOURCE PERMITS	PERMIT	71394
AIR NEW SOURCE PERMITS	PERMIT	50582
AIR NEW SOURCE PERMITS	PERMIT	52474
AIR NEW SOURCE PERMITS	PERMIT	55912
AIR NEW SOURCE PERMITS	PERMIT	54848
AIR NEW SOURCE PERMITS	PERMIT	53785
AIR NEW SOURCE PERMITS	REGISTRATION	72657
AIR NEW SOURCE PERMITS	REGISTRATION	74344
AIR NEW SOURCE PERMITS	PERMIT	74406
AIR NEW SOURCE PERMITS	REGISTRATION	74483
AIR NEW SOURCE PERMITS	REGISTRATION	74575
AIR NEW SOURCE PERMITS	REGISTRATION	74578
AIR NEW SOURCE PERMITS	REGISTRATION	74885
AIR NEW SOURCE PERMITS	REGISTRATION	75075
AIR NEW SOURCE PERMITS	PERMIT	75186
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M2
AIR NEW SOURCE PERMITS	REGISTRATION	76713
AIR NEW SOURCE PERMITS	EPA ID	PSDTX730M3
AIR NEW SOURCE PERMITS	EPA ID	PSDTX975M2
AIR NEW SOURCE PERMITS	REGISTRATION	76931
AIR NEW SOURCE PERMITS	REGISTRATION	77409
AIR NEW SOURCE PERMITS	REGISTRATION	77399
AIR NEW SOURCE PERMITS	REGISTRATION	77720
AIR NEW SOURCE PERMITS	REGISTRATION	77854
AIR NEW SOURCE PERMITS	REGISTRATION	77856
AIR NEW SOURCE PERMITS	REGISTRATION	78550
AIR NEW SOURCE PERMITS	REGISTRATION	78881
AIR NEW SOURCE PERMITS	REGISTRATION	78997
AIR NEW SOURCE PERMITS	REGISTRATION	79217
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000782698
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30040
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000782698
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30040
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50111
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50111
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0232Q
AIR OPERATING PERMITS	PERMIT	1229
WASTEWATER	PERMIT	TPDES0006271
WASTEWATER	PERMIT	WQ0000592000
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	8309
STORMWATER	PERMIT	TXR157592
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50111
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50111
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30040

Location: 2800 Decker Dr, Baytown, TX

Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 27, 2001 to June 27, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Muennink Phone: (361) 825-3423

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/11/2005 ADMINORDER 2002-1243-AIR-E
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an upset.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an upset that occurred July 23 to 24, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to limit emissions during an emissions event that occurred September 17 to 19, 2002 and September 20 to 25, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an emissions event that occurred October 28 to 29, 2002.

Effective Date: 09/23/2002 ADMINORDER 2001-1269-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Spec Cond 1 PERMIT
Description: Failure to demonstrate that the upset that occurred from February 23, 2001 to March 5, 2001 could not have been prevented.

Effective Date: 08/07/2005 ADMINORDER 2003-1185-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18287 and PSD-TX-730, SC No. 20.D PA
Description: Failure to conduct grab samples which is representative of the vent gas to flares 14, 15, 17, 19, 20, 22, 25, 26 and 27.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: ExxonMobil allowed the release of unauthorized emissions that were part of a frequent and recurring pattern indicative of inadequate design, operation, and maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to submit a timely initial notification after discovery of a reportable emissions event.

Effective Date: 04/29/2006 ADMINORDER 2005-0993-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Conditions PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18287 Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include authorization number for HCU1 on the final report for the December 17, 2004 emissions event.

Effective Date: 03/03/2005

ADMINORDER 2004-0296-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter H 101.354(g)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Operated FINs LS243RP1, LS243RP2 & LS24RP3 during the 2002 without first obtaining allowances for the emissions

Effective Date: 02/20/2006

ADMINORDER 2004-0818-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ FLEX PERMIT #18287 / #PSD-TX-730M2 PERMIT

Description: Failed to prevent unauthorized emissions that began on June 4, 2003 and lasted for 128 hours.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/19/2001	(158979)
2	08/13/2002	(7822)
3	07/21/2003	(145449)
4	09/25/2002	(11688)
5	10/14/2002	(158980)
6	09/25/2002	(11704)
7	11/25/2002	(16480)
8	08/31/2002	(4925)
9	05/14/2003	(21719)
10	05/16/2006	(462451)
11	08/26/2002	(8617)
12	11/16/2001	(158983)
13	02/18/2004	(295740)
14	02/15/2005	(381907)
15	07/08/2004	(332775)
16	01/07/2005	(341981)
17	06/02/2006	(464665)
18	03/15/2005	(381908)
19	11/15/2002	(158984)
20	03/10/2004	(260889)

21	11/23/2004	(340185)
22	11/22/2004	(337719)
23	12/20/2004	(381909)
24	08/27/2002	(9555)
25	03/15/2004	(295742)
26	01/31/2005	(347261)
27	05/26/2005	(333676)
28	08/02/2005	(402576)
29	09/01/2004	(292073)
30	06/02/2006	(454646)
31	01/25/2005	(381910)
32	04/19/2004	(295743)
33	12/28/2004	(268993)
34	08/28/2002	(10138)
35	05/17/2006	(457374)
36	05/22/2006	(466175)
37	11/08/2004	(335879)
38	05/17/2004	(295745)
39	02/21/2006	(452651)
40	04/27/2006	(461574)
41	09/28/2005	(432076)
42	08/09/2005	(403164)
43	12/13/2004	(268246)
44	12/14/2001	(158987)
45	08/05/2004	(284996)
46	05/31/2006	(465081)
47	06/14/2004	(295747)
48	11/11/2004	(340075)
49	01/21/2005	(342494)
50	12/30/2004	(268760)
51	07/13/2005	(399494)
52	12/19/2002	(158988)
53	09/01/2004	(290594)
54	08/31/2002	(10348)
55	08/18/2003	(295750)
56	10/27/2004	(333600)
57	09/01/2004	(283208)
58	10/07/2002	(9492)
59	11/17/2004	(340163)
60	08/28/2002	(10060)
61	09/16/2003	(295752)
62	01/15/2002	(158991)
63	07/02/2004	(268937)
64	12/28/2004	(337673)
65	08/27/2003	(113043)
66	05/10/2005	(380346)
67	01/04/2005	(267623)
68	09/01/2005	(399476)
69	11/22/2005	(435072)
70	01/21/2003	(158992)
71	10/20/2003	(295754)
72	07/28/2004	(352252)
73	08/16/2005	(404547)
74	02/28/2005	(267818)
75	12/13/2004	(267690)
76	08/16/2004	(352253)
77	05/12/2005	(374170)
78	12/27/2004	(341022)
79	06/30/2004	(273343)
80	12/28/2004	(334795)
81	08/28/2004	(268055)
82	11/18/2003	(295756)
83	09/20/2004	(352254)
84	08/31/2002	(10406)

85	08/04/2003	(27210)
86	04/28/2006	(463895)
87	12/29/2004	(278295)
88	08/02/2005	(402917)
89	10/07/2005	(347309)
90	11/07/2005	(431591)
91	12/17/2003	(295757)
92	10/18/2004	(352255)
93	02/26/2004	(263843)
94	05/30/2006	(479780)
95	03/17/2004	(263880)
96	02/17/2006	(468531)
97	08/31/2002	(9353)
98	01/23/2004	(295758)
99	11/15/2004	(352256)
100	10/11/2004	(335357)
101	10/25/2002	(12472)
102	03/18/2003	(28114)
103	11/12/2004	(340365)
104	04/17/2006	(468532)
105	06/30/2005	(396806)
106	11/21/2005	(468533)
107	01/25/2005	(341747)
108	12/28/2004	(268990)
109	08/31/2004	(268738)
110	11/08/2004	(340028)
111	01/25/2005	(348070)
112	12/19/2005	(468534)
113	08/05/2004	(285905)
114	08/06/2003	(148752)
115	12/20/2004	(338518)
116	12/28/2004	(343607)
117	01/17/2006	(468535)
118	06/16/2004	(267859)
119	12/13/2004	(342452)
120	01/06/2005	(344763)
121	04/22/2005	(349214)
122	05/01/2003	(34037)
123	05/19/2003	(28334)
124	05/31/2006	(462401)
125	04/03/2003	(26192)
126	11/03/2005	(418987)
127	01/10/2005	(341982)
128	08/12/2004	(287978)
129	12/13/2004	(267765)
130	08/31/2002	(4790)
131	01/23/2005	(334796)
132	12/28/2004	(334936)
133	04/26/2006	(338552)
134	04/12/2005	(375744)
135	06/28/2004	(268917)
136	08/09/2005	(403721)
137	01/13/2005	(346338)
138	07/05/2004	(268960)
139	08/08/2005	(402336)
140	06/30/2004	(272731)
141	06/19/2006	(481233)
142	01/06/2005	(267642)
143	04/03/2003	(24466)
144	11/05/2004	(334294)
145	01/07/2005	(343633)
146	07/12/2005	(349438)
147	04/07/2005	(344010)
148	04/04/2006	(461224)

149	07/13/2005	(348979)
150	12/28/2004	(269717)
151	10/07/2002	(10732)
152	11/08/2004	(340024)
153	05/16/2006	(465569)
154	12/22/2004	(278243)
155	03/28/2003	(27429)
156	06/14/2006	(466357)
157	06/30/2004	(268942)
158	02/21/2005	(351015)
159	08/31/2002	(10215)
160	12/22/2004	(268731)
161	01/12/2005	(267368)
162	11/09/2004	(339020)
163	04/20/2006	(457398)
164	08/31/2005	(418871)
165	11/04/2005	(436195)
166	03/28/2003	(26898)
167	04/22/2005	(349058)
168	08/09/2005	(403230)
169	08/31/2002	(9535)
170	11/12/2004	(340615)
171	08/31/2002	(9989)
172	05/31/2006	(344766)
173	12/31/2004	(267843)
174	01/04/2005	(341983)
175	05/30/2006	(479785)
176	12/21/2005	(435335)
177	04/18/2005	(419750)
178	01/10/2003	(19176)
179	04/13/2006	(431716)
180	05/17/2005	(419751)
181	08/31/2002	(9518)
182	10/12/2005	(342414)
183	12/28/2004	(272677)
184	08/09/2005	(403380)
185	06/20/2005	(419752)
186	12/02/2002	(16777)
187	02/20/2004	(262675)
188	07/18/2005	(440885)
189	11/09/2005	(431596)
190	01/17/2006	(273538)
191	07/31/2003	(143468)
192	11/09/2005	(431541)
193	08/18/2005	(440886)
194	11/07/2005	(431566)
195	06/27/2003	(23997)
196	09/23/2005	(440887)
197	11/11/2004	(340145)
198	12/28/2004	(341014)
199	10/21/2005	(440888)
200	08/02/2005	(402737)
201	10/17/2005	(434480)
202	02/06/2006	(450733)
203	08/09/2005	(404259)
204	12/22/2004	(339607)
205	11/15/2005	(431597)
206	04/07/2005	(337403)
207	05/30/2002	(1344)
208	07/13/2005	(349569)
209	11/09/2004	(339949)
210	08/31/2002	(9514)
211	02/19/2002	(158950)
212	01/10/2005	(339231)

213	10/04/2002	(11966)
214	11/17/2004	(340565)
215	02/08/2003	(158951)
216	03/23/2006	(343625)
217	03/15/2004	(263857)
218	09/01/2004	(291353)
219	08/31/2004	(268748)
220	02/16/2006	(337610)
221	11/22/2004	(340689)
222	12/21/2004	(341978)
223	12/30/2005	(435909)
224	07/28/2004	(273430)
225	08/31/2002	(9505)
226	01/17/2003	(21370)
227	03/15/2002	(158953)
228	08/31/2002	(4782)
229	09/25/2002	(10278)
230	12/28/2004	(267530)
231	03/21/2003	(158954)
232	06/02/2006	(460480)
233	05/30/2006	(479729)
234	02/28/2006	(456441)
235	08/31/2002	(10002)
236	08/28/2002	(9533)
237	06/30/2005	(396852)
238	08/03/2004	(278115)
239	12/30/2005	(435916)
240	08/30/2004	(268034)
241	08/29/2003	(150365)
242	06/13/2005	(395496)
243	05/02/2006	(460481)
244	08/09/2005	(404230)
245	09/24/2004	(270454)
246	04/28/2005	(348685)
247	09/25/2002	(11714)
248	04/22/2005	(347659)
249	08/23/2005	(405305)
250	03/29/2005	(375295)
251	04/18/2002	(158958)
252	05/30/2006	(479791)
253	12/14/2004	(342432)
254	12/29/2004	(341979)
255	04/15/2003	(158959)
256	11/22/2005	(438130)
257	11/03/2005	(431598)
258	04/30/2004	(266933)
259	07/19/2002	(1862)
260	08/09/2005	(404296)
261	08/28/2004	(268992)
262	10/21/2002	(11574)
263	05/03/2006	(463377)
264	08/05/2003	(12119)
265	09/28/2005	(431581)
266	11/22/2004	(340575)
267	05/13/2005	(379379)
268	08/02/2005	(402844)
269	05/20/2002	(158962)
270	06/09/2005	(394572)
271	05/30/2006	(479710)
272	03/24/2006	(459648)
273	05/20/2003	(158963)
274	08/19/2005	(404792)
275	01/04/2005	(267736)
276	08/29/2005	(405928)

277	07/28/2003	(143775)
278	12/28/2004	(341980)
279	05/04/2006	(462741)
280	06/26/2006	(481569)
281	12/31/2004	(272589)
282	12/16/2004	(342682)
283	06/28/2004	(267243)
284	12/20/2005	(267563)
285	12/14/2004	(342708)
286	08/29/2003	(150864)
287	07/29/2005	(349505)
288	05/31/2006	(463588)
289	06/27/2002	(246552)
290	01/30/2004	(258928)
291	09/12/2002	(6717)
292	05/30/2006	(479817)
293	08/29/2005	(405272)
294	06/14/2002	(158966)
295	01/12/2005	(344761)
296	01/17/2006	(450474)
297	12/28/2004	(268918)
298	07/26/2002	(1750)
299	06/30/2004	(268976)
300	06/18/2003	(158967)
301	11/19/2002	(14312)
302	05/25/2006	(431599)
303	12/14/2004	(342152)
304	05/14/2002	(246551)
305	08/06/2004	(283891)
306	02/28/2006	(457051)
307	04/20/2006	(457390)
308	08/31/2002	(9984)
309	11/03/2004	(338702)
310	07/12/2005	(399391)
311	05/08/2003	(24899)
312	06/22/2004	(267197)
313	07/22/2005	(349408)
314	05/10/2004	(151755)
315	07/10/2001	(158969)
316	08/27/2003	(152197)
317	06/20/2005	(343630)
318	04/20/2006	(461537)
319	07/12/2002	(158970)
320	04/07/2004	(263885)
321	07/15/2003	(158971)
322	09/01/2004	(290226)
323	01/08/2003	(16789)
324	06/23/2005	(395306)
325	08/31/2004	(268764)
326	12/22/2004	(340759)
327	06/19/2006	(481262)
328	08/09/2005	(403017)
329	11/22/2004	(339656)
330	08/16/2005	(404301)
331	08/17/2001	(158973)
332	08/24/2005	(399636)
333	11/08/2004	(337651)
334	06/25/2004	(267327)
335	03/10/2004	(260872)
336	03/21/2003	(22728)
337	08/24/2005	(399637)
338	12/28/2004	(338557)
339	08/21/2002	(158974)
340	07/30/2004	(281613)

341 12/09/2004 (341224)
 342 05/08/2006 (457378)
 343 07/11/2003 (38025)
 344 10/26/2004 (292710)
 345 11/09/2004 (340023)
 346 08/03/2005 (401816)
 347 11/12/2004 (335883)
 348 06/03/2003 (31487)
 349 08/31/2002 (10376)
 350 01/30/2004 (258921)
 351 08/08/2005 (399628)
 352 09/01/2004 (292083)
 353 01/27/2005 (342684)
 354 10/09/2002 (12765)
 355 05/17/2004 (267458)
 356 08/31/2002 (9873)
 357 07/23/2004 (267916)
 358 09/11/2001 (158976)
 359 08/31/2002 (9839)
 360 02/21/2005 (337401)
 361 12/22/2004 (342051)
 362 06/03/2004 (269088)
 363 11/29/2004 (340829)
 364 11/22/2005 (433933)
 365 08/31/2002 (10301)
 366 11/22/2004 (267703)
 367 08/15/2005 (405021)
 368 08/31/2002 (10337)
 369 12/21/2005 (434204)
 370 12/13/2004 (342441)
 371 09/16/2002 (158977)
 372 12/05/2004 (269620)
 373 08/31/2002 (9529)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2002 (158977)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2001 (158979)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (143468)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to draw representative samples from cooling towers CT 16/24 and CT 58

Date: 12/22/2004 (339607)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Operator inadvertently left CWS block valve closed during startup. Wet Gas Compressor could not handle all the acfm of gas. Excess cat gas was flared until troubleshooters found and corrected the problem.

Date: 07/08/2004 (332775)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/31/2002 (158984)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/28/2004 (338518)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Exxon failed to properly control 600 psi steam system pressure during a rainstorm, thereby losing control of Sour Gas Compressor speed in the Flexicoker Unit, resulting in localized loss of pressure control and opening of some pressure relief valves to the flare.

Date: 12/31/2004 (267843)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: During the startup of the T-6 sour depropanizer tower, the refrigeration would not start, due to instrument malfunction, which resulted in flaring. The instrument malfunction was corrected and the compressor started as quickly as possible.

Date: 05/31/2006 (463588)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(I)
 Description: Failed to report the permit authorization for the facility involved in the maintenance activity.

Date: 11/30/2004 (340185)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized emissions of 687 lbs SO2.

Date: 12/29/2004 (341979)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized emissions of 11 lbs of hydrogen sulfide and 3862 lbs of sulfur dioxide.

Date: 08/28/2004 (268055)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Exceeded VOC permit limit.

Date: 05/08/2003 (24899)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failed to control ethylene emissions during process operations.

Date: 12/28/2004 (341978)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized emissions of 909 pounds of sulfur dioxide.

Date: 11/10/2004 (339949)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized ethylene emissions from safety valve CLO-369.

Date: 01/24/2005 (342494)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PA IA
 Description: failure to cap/plug valve nos., 204, 223, 451, 650, 222, 283, and valves next to valve 43, and 228 respectively.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: failure to seal the end of two leaking plug #462 (670 ppmv reading), and #511 (6,500 ppmv reading).

Date: 08/28/2004 (268992)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA
 Description: Failed to prevent unauthorized emissions during an emissions event.

Date: 05/15/2006 (462451)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT IA
 Description: Exxon failed to submit a completed final report.

Date: 03/25/2003 (22728)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions that resulted from a maintenance event.

Date: 06/27/2002 (246552)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/19/2005 (404792)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: failed to identify self heating waste material which caused a fire in a roll off bin.

Date: 05/14/2002 (246551)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/06/2004 (283891)

Self Report? NO Classification: Minor

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of firewater.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA
 Description: Failure to maintain compliance with permitted Total Suspended Solids (TSS) effluent limit at outfall 001. The grab sample collected during the inspection was noncompliant for TSS.

Date: 08/29/2003 (150864)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Exxon failed to report an emissions event that occurred during a scheduled maintenance activity.

Date: 04/26/2006 (461574)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT IA

Description: ExxonMobil failed to provide lean MEA while pressurizing Tower 381.

Date: 12/30/2004 (268990)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Exxon failed to provide an affirmative defense for Incident # 36744. CO Boiler SG501B air damper stuck too far open, then swung shut. Exxon has not explained how/why. 12,881 lbs of unauthorized CO emissions cannot be exempted. NOV to be issued.

Date: 12/21/2004 (334796)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: A contract worker inadvertently tripped the C30 shutdown interlock, shutting down the CLEU3 unit.

Date: 07/31/2002 (158974)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (341980)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to prevent emissions of 4035 lbs of SO2.

Date: 08/31/2001 (158976)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION,
RN 102579307

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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-0875-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("Exxon Mobil") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Exxon Mobil represented by George Rizzo, Exxon Mobil Corporation, appear before the Commission and together stipulate that:

1. Exxon Mobil owns and operates an oil refining and supply company located at 2800 Decker Drive, Baytown, Harris County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Exxon Mobil agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon Mobil is subject to the Commission's jurisdiction.
4. Exxon Mobil received notice of the violation on or about June 19, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Exxon Mobil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of ten thousand dollars (\$10,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Exxon Mobil has paid ten thousand dollars (\$10,000.00) of the administrative penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Exxon Mobil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Exxon Mobil has updated existing FCCU2 start-up procedures in March 2006 to require that the discharge pressure be higher than the manifold pressure prior to opening the valve, designed to prevent the reoccurrence of emissions in the CLEU3 due to similar causes as that of the February 19, 2006 emissions event in response to this emission event.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Exxon Mobil has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Exxon Mobil is alleged to have violated 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 18287, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent an avoidable emissions event in the CLEU3 on February 19, 2006 that lasted five minutes, releasing 9,090 lbs of the highly reactive volatile organic compound (HRVOC) ethylene. Since these emissions were avoidable, Exxon failed to meet the demonstrations necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

Exxon Mobil generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Exxon Mobil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Exxon

Mobil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2006-0875-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

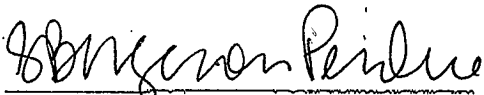
2. The provisions of this Agreed Order shall apply to and be binding upon Exxon Mobil. Exxon Mobil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Exxon Mobil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Exxon Mobil, or three days after the date on which the Commission mails notice of the Order to Exxon Mobil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Exxon Mobil Corporation
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/1/08

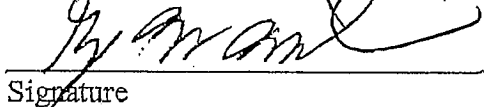
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

GAY W. WILSON

Name (Printed or typed)

Authorized representative of
Exxon Mobil Corporation

6/3/08

Date

BAYTOWN

REFINERY MANAGER

Title